

Training Module #11:



Serving Court Customers With Special Needs

Introduction

This print module was produced by the Michigan Judicial Institute (MJl) specifically for Michigan Court Support Personnel.

The intent of this print module is to assist court employees to:

1. Examine Court practices and identify ways that Courts may be excluding persons with disabilities.
2. Analyze attitudes, perceptions, and behaviors regarding individuals with disabilities.
3. Create an environment in the Court that fosters respect, courtesy and common sense.
4. Prepare a personal action plan pertaining to increased awareness

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Disability in the U.S.

The most important thing to remember is that a disabled person is just that—a person. Their disabling condition(s) are only secondary to what makes them a person. In general, the individuals in the disabled community prefer to be referred to as “people with disabilities” as opposed to “handicapped.”

A “disability” is a condition caused by an accident, trauma, genetics, or disease, which may limit a person's mobility, hearing, vision, speech or mental function.



Disability Statistics

- ❖ Nearly 49 million Americans have one or more physical or mental disabilities.
- ❖ More than 20% of U.S. residents over the age of 15 have a physical limitation.
- ❖ Nearly 13.5% of Americans are severely limited in functions of seeing, hearing, speaking, lifting or carrying, walking, using stairs, getting around, or getting in and out of bed.
- ❖ The number of “older” Americans (age 85+) is soaring.
- ❖ The “aging” of Americans is dramatically increasing as the American culture becomes less active.
- ❖ Between 21 million and 28 million Americans have hearing problems.
- ❖ Speech and language disorders inhibit effective communication for more than 2.5 million Americans.
- ❖ Nearly 13 million Americans over the age of 15 report problems reading.
- ❖ Alzheimer’s Disease is the most common form of dementia, affecting 10% of people over the age of 65 and almost 50% of those over the age of 85.
- ❖ Severe depression affects nearly 15% of Americans.

Americans With Disabilities Act (ADA) 1992

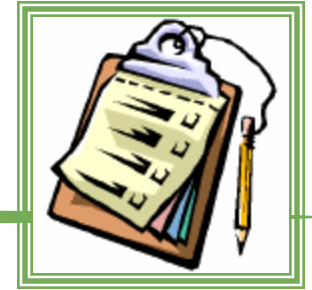
The Americans with Disabilities Act of 1992 is a federal civil rights law which prohibits discrimination against individuals with disabilities and provides strong, consistent, and enforceable standards against discrimination.

The ADA states that courts must:

1. All facilities must be readily accessible and usable by individuals with disabilities.
2. Have reasonable modification of policies, procedures, and practices to allow for such things as a seeing-eye dog.
3. Provide auxiliary aids or services ensuring effective communication including but is not limited to sign language interpreters or brailled materials.

The court is also required to develop a self-evaluation plan which identifies all the services, programs, and activities it offers, and determine whether they are accessible to individuals with disabilities. If they are not accessible, the plan must detail how and when the court is going to make them accessible according to the requirements identified in the ADA.

ADA Checklist

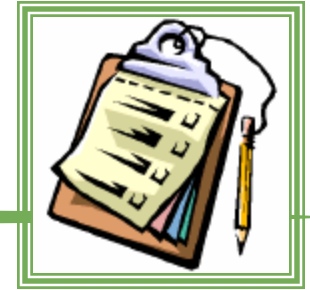


YES / NO

PROCESS / OPERATIONS

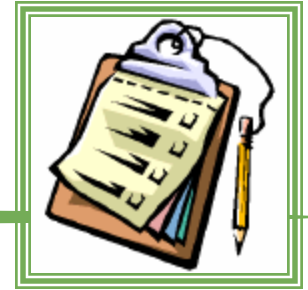
- | | | |
|-----|-----|---|
| ___ | ___ | Does your court provide information that explains in “plain English” procedures, legal terms, schedules, etc? |
| ___ | ___ | Are court forms understandable to the general public without assistance of an attorney? |
| ___ | ___ | Is there a list of fees posted for public review? |
| ___ | ___ | Are there adequate staff at the counter to serve public at peak times? |
| ___ | ___ | Are parties in the court given adequate hearing time to present their case? |
| ___ | ___ | Do judges and court personnel talk in plain English? |
| ___ | ___ | Are there accommodations in place for non-English speaking patrons? |

ADA Checklist



YES / NO	PROCESS / OPERATIONS
___	___ Does your court have a policy regarding “reasonable accommodation”?
___	___ Is there a process to determine “reasonable accommodation” and “undue hardship”?
___	___ Does your court have an ADA coordinator to comply with the ADA guidelines?
___	___ Does your court have grievance procedures that incorporate due process standards and provide for the prompt and equitable solution of complaints of discrimination against an individual with a disability, including job applicants, employees, customers, and visitors?
___	___ Do all court printed materials (publications) include a notice of non-discrimination?

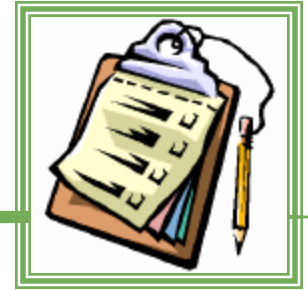
ADA Checklist



YES / NO	PROCESS / OPERATIONS
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- | | |
|---|--|
| <input type="checkbox"/> <input type="checkbox"/> | Does parking near your court include accommodations for those with disabilities? |
| <input type="checkbox"/> <input type="checkbox"/> | Are court offices “user friendly”—can physically challenged or hearing impaired individuals adequately access your court (i.e., ramps, lower public counters for persons in wheelchairs, clearly marked and fully accessible restrooms, sign language interpreters)? |
| <input type="checkbox"/> <input type="checkbox"/> | Are there signs and information posted regarding where to go for specific court services? |
| <input type="checkbox"/> <input type="checkbox"/> | Does your court have printed information on the functions and services the court provides? |

ADA Checklist



YES /	NO	PROCESS / OPERATIONS
___	___	Does your court provide training on how to provide service to those with special needs?
___	___	Do you see your co-workers responding to special needs patrons with appropriate courtesy?
___	___	Does your court conduct “user satisfaction surveys” or have a suggestion box?
___	___	If yes to the above, is your court getting positive feedback from court users?
___	___	Does your court have printed informational materials readily available for court users?
___	___	Does your court provide information on other appropriate community services such as public health programs, social service agencies, and mediation?

Attitudes and Perceptions

YES / NO

____ ____ **Do you find yourself describing a person with a disability as a victim and someone to feel sorry for?** People with disabilities don't need your pity and prefer not to be presented as a charity case. To make positive change, and support for those with disabilities, start by improving access. Avoid using terms such as "confined to," "victim of," "suffer from" or "less fortunate."

____ ____ **In looking back, do your actions ever indicate to a person with a physical disability that you consider them to be mentally disabled as well?** If you had a broken arm, would you consider your mental abilities to be diminished in any way? Probably not. Sometimes when the physical disability affects the clarity of language, you may have to be patient or look for other ways to communicate—but it doesn't mean that person doesn't have the intellect.

SOURCE: Saskatchewan Department of Municipal Government

Attitudes and Perceptions

YES / NO

____ ____ **Do you feel that people with disabilities expect far too much from the community and improving access is too expensive and a hassle?** All Americans have a right to choose a life for themselves. When choices are denied or ignored, it creates dependence and exclusion. People with disabilities have a right to fully access community services, programs, and facilities.

____ ____ **Do you think that a ramp is all that is needed to improve access?** The fact is that many times a ramp will improve access for people who have mobility disabilities. It is important to recognize that there are other people with hearing, visual, or cognitive disabilities who need access not only to buildings, but information, programs, employment, and emergency systems. Access means creating an environment, both physical and attitudinal, that create benefits for everyone.

SOURCE: Saskatchewan Department of Municipal Government

Attitudes and Perceptions

YES / NO

Do you believe the words handicapped and disabled mean the same thing? In fact, they do not mean the same thing. A disability refers to a limiting impairment a person may have. Disabilities require some individuals to find non-traditional methods to perform certain activities or achieve certain goals. Frequently, however, the individual's abilities are restricted further by handicaps. The word "**handicapped**" is used when discussing the social or physical environment—external circumstances that present a barrier to full participation. Examples of handicaps for a person with a disability would be inaccessible entrances, lack of alternate information services and negative attitudes. People within a community should work toward removing the "handicaps" for people with disabilities.

SOURCE: Saskatchewan Department of Municipal Government

Famous People with Disabilities



Patty Duke became the youngest person to win an Academy Award for her role as Helen Keller in the motion-picture version of *The Miracle Worker*. In 1982 Patty was diagnosed as having a manic-depressive disorder and continues to cope with this disability with medication.

Marlee Matlin is a stand-up comedian and an actress. In 1987, she captivated the world by winning the Academy Award for Best Actress in the film *Children of a Lesser God*. Marlee Matlin became deaf in infancy due to Roseola infantum. However, deafness has not disabled her or her career.

Jim Abbott is the only player in major league baseball who was born with one hand.

Itzhak Perlman is an acclaimed violinist and has performed with every major orchestra the world over. He contracted polio at age 4, permanently paralyzing his legs. He performs his music while seated and walks with crutches.

Tom Cruise is among the most talented actors in Hollywood. Even though he battles dyslexia, which is a learning disability that alters the way the brain process written material, he was nominated for and won several awards for Best Actor.

Ten Commandments



for communicating with people who have disabilities:

1. Speak directly to the person rather than through a companion or sign language interpreter.
2. Always offer to shake hands when introduced.
3. Always identify yourself and others who may be with you when meeting someone who is blind.
4. If you offer assistance, wait until the offer is accepted. Then listen, wait, or ask for instructions as to how you may assist.
5. Treat adults as adults!

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SOURCE: Video: "10 Commandments of Communicating With People With Disabilities."
www.pdassoc.com/pdf/tc.pdf

Ten Commandments



for communicating with people who have disabilities:

6. Do not lean against or hang on someone's wheelchair or other mobility vehicle.
7. Listen attentively when talking with people who have difficulty speaking and wait for them to finish.
8. Place yourself at eye level when speaking with someone in a wheelchair or of short stature.
9. Tap a person who is deaf on the shoulder or wave your hand to get his or her attention.
10. RELAX. Don't be embarrassed if you happen to use common expressions that seem to relate to a disability. EXAMPLE: Saying "Good to SEE you today!" to someone who may be blind!

SOURCE: Video: "10 Commandments of Communicating With People With Disabilities."
www.pdassoc.com/pdf/tc.pdf

Do's and Don'ts of Communicating

with a person who is deaf:



DO get the person's attention before speaking.

- ❖ Don't talk while your back is turned.
- ❖ Don't stand in front of the light...it puts you in silhouette and your lips in shadow.
- ❖ Don't talk fast or run ideas together. If possible, share one idea in each sentence.
- ❖ Don't cover your mouth while speaking.
- ❖ Don't lean forward or step between the speaker and the lip reader.

Build your comments slowly but do not overly exaggerate.

- ❖ Do use face and body to help express ideas.
- ❖ If in a group, do point out the speaker to the deaf person.
- ❖ If idea is complex or important, approach it from several angles to make sure idea is understood
- ❖ Please be patient. English is a second language to a deaf person.

SOURCE: "A Mother's Remarks about How NOT to Communication with a Person Who is Deaf..." by Betsy Norton

Do's and Don'ts of Communicating

with a person who is deaf:



- ❖ If the deaf person is engaged, wait until the conversation is finished. Then tap him/her on the shoulder to gain attention.
- ❖ If everyone around the deaf person is laughing, be sure to inform him/her of what it's about. Deaf people have a paranoia that springs from not knowing what's being said.
- ❖ When in a hearing group, if you are the speaker, remember that all of the hearing people can hear you, but the deaf person must see you. Look at the deaf person in the group.
- ❖ If in a hearing group with a deaf person, and others are NOT making accommodations as mentioned above, DO silently mouth the words of others for the deaf person. Often times group conversations fly around the room so quickly that the deaf person cannot keep up with the back-and-forth flow of the conversation.

SOURCE: "A Mother's Remarks about How NOT to Communication with a Person Who is Deaf..." by Betsy Norton

What About Accents?



- ❖ Each of us has an accent, even if we were born and raised here. In the simplest terms, an accent is a way of pronouncing words – “poTÃto” or “poTAHto”. We’ve all heard the “Boston” accent, the “southern” accent, the “New England” accent. These are minor variations which we generally have no trouble understanding and often times find charming or attractive. With our rapidly changing population and new ethnic and cultural diversity, we may encounter accents that are often heavier and more difficult to understand.
- ❖ When a person speaks English with a foreign accent, she/he is probably an immigrant who learned English as an adult or young adult or learned the language from another who speaks with an accent. An accent does not indicate a person’s intelligence, educational level, or social or economic status.
- ❖ If an immigrant has an accent, it does not mean that she/he is a recent arrival to the U.S. Once an adult learns one pronunciation for a word, it takes tremendous effort to learn a different way of speaking. All of us know how challenging it is to speak effectively when we are in a highly emotional state. When we are flustered, the words don’t seem to come as easily. For an individual who uses “English as a second language”, coming into court may increase their anxiety level and thus their ability to communicate effectively.

Do's and Don'ts of Communicating



with a person who has an accent:

- ❖ **Be Patient!** Coming to the court, a person with an accent is feeling as much or more pressure than you do in this process and maybe embarrassment too. Those who deal well with accents typically are those who are blessed with patience. If you see that you're going to be confronted with a challenge, take a deep breath and switch gears.

Be patient with yourself, too. Sometimes you will hear a statement from an accented speaker and think that you don't understand. Then, maybe ten seconds later, it will have traveled through your brain in a way that suddenly brings you to understanding. Relax and allow for such delayed reactions.

- ❖ **Use Feedback** Even among native English speakers there are communication problems. They may need to use feedback to be sure that they understand one another. How often have you heard someone say, "If I understood you correctly...?" Feedback works well for accents, too. The greater the potential for misunderstanding, the more important it is to clarify and confirm what was said.

Do's and Don'ts of Communicating



with a person who has an accent:

- ❖ **Do Not Make An End Run** – When there is a bystander available to interpret an accent, resist the temptation to look at the bystander. It is demeaning to the speaker to treat them as if they are not there. Listen to the bystander/interpreter, but remain focused on the speaker.
- ❖ **Find Opportunities To Practice** - Find opportunities to listen to and interact with individuals with accents. Your ear will become attuned to the flow and rhythm of various languages and the way English sounds when spoken with an accent.
- ❖ **Put the Person at Ease** – Most of us do our best in warm, safe environments. By contrast, when we are criticized or ridiculed, we are not as articulate as we could be and may remain silent rather than risk further embarrassment.

Do's and Don'ts of Communicating



with a person who has an accent:

- ❖ **Encourage Non-verbal Signals** – If someone with a heavy accent were to say, “I signed this application,” you might be puzzled. But if she/he is pointing to the document they are holding, you quickly guess the meaning. Non-verbal signals have limits, though. Be aware that body language differs from culture to culture.
- ❖ **To Laugh or Not To Laugh** – If a newcomer finds your efforts and his/hers rather amusing, he/she may laugh. Join in if this will ease the anxiety. But if you find the interaction amusing and the person with an accent finds it trying, laughter would NOT be appropriate.
- ❖ **The Magic Key** – In real estate, they say the three most important things are: 1) location, 2) location, and 3) location. In dealing with accents, they are 1) motivation, 2) motivation, and 3) motivation. If you believe in equal access to justice and seek to model that belief in the day-to-day work you do, you will be motivated to assist ALL individuals who seek justice through the courts.

Service Animals



Background

- ❖ Over 12,000 people with disabilities use the aid of service animals. Although the most familiar types of service animals are guide dogs used by people who are blind, service animals assist persons who have other disabilities as well. Many disabling conditions are invisible. Therefore, a person who is accompanied by a service animal may or may not “look” disabled. A service animal is **NOT** required to have any special certification.

What is a Service Animal?

- ❖ A service animal is **NOT** a pet! According to the Americans with Disabilities Act (ADA), a service animal is any animal that has been individually trained to provide assistance or perform tasks for the benefit of a person with a physical or mental disability which substantially limits one or more major life functions.

Service Animals



Service Animal Access

The civil rights of persons with disabilities to be accompanied by their service animals in all places of public and housing accommodations is protected by the following Federal laws:

- ❖ Americans with Disabilities Act, ADA (1990)
- ❖ Air Carrier Access Act (1986)
- ❖ Fair Housing Amendments Act (1988)
- ❖ Rehabilitation Act (1973)

Service Dog Etiquette

- ❖ Do not touch the Service Animal, or the person it assists, without permission.
- ❖ Do not make noises at the Service Animal as this may distract the animal from doing its job.
- ❖ Do not feed the Service Animal because it may disrupt his/her schedule.
- ❖ Do not be offended if the person does not feel like discussing his/her disability or the assistance the Service Animal provides. Not everyone wants to be a walking-talking “show and tell” exhibit.

Glossary of Acceptable Terms

ACCEPTABLE

Person with a disability.

Disability, a general term used for functional limitation that interferes with a person's ability, or physical, mental, or sensory condition.

People with cerebral palsy, people with spinal cord injuries.

Person who had a spinal cord injury, polio, stroke, etc. or a person who has multiple sclerosis, muscular dystrophy, arthritis, etc.

Has a disability, has a condition of (spina bifida, etc.), or born without legs, etc.



A person who has (name of a disability).

UNACCEPTABLE

Cripple. This image conveys a twisted, deformed, useless body.

Handicapped.

Cerebral palsied, spinal cord injured, etc. Never identify people solely by their disability.

Victim. People with disabilities do not like to be perceived as victims for the rest of their lives.

Defective, deformed, vegetable. These words are de-humanizing, degrading, and stigmatizing.

Deaf and Dumb. The inability to hear or speak does not indicate a lack of intelligence.

Hearing Impairment. "Impairment" means lacking in value.

SOURCE: San Antonio Community Portal / Disability Handbook Etiquette <http://www.sanantonio.gov>

Glossary of Acceptable Terms

ACCEPTABLE

Deafness refers to total hearing loss.

Hard of hearing describes a person who is hearing impaired, uses a hearing aid, etc.

Person who has a mental or developmental disability.

Person who uses a wheelchair, crutches.

Able-bodied; able to walk, see, hear, etc.
People who are NOT disabled.

People who do not have a disability.



UNACCEPTABLE

Retarded, moron, imbecile, idiot. These terms are offensive.

Confined, restricted. Most people who use a wheelchair or mobility device regard them as liberating/a means of getting around.

Healthy. When used as the opposite of disabled, it implies those with disabilities are unhealthy.

Normal. When used as opposite of disabled, it implies that people with disabilities are abnormal.

Afflicted with, suffers from. Most people with disabilities do not regard themselves as either.

SOURCE: San Antonio Community Portal / Disability Handbook Etiquette <http://www.sanantonio.gov>

If you are interested in learning
more about disabilities, go to:



Online resources pertaining to disabilities
www.pdassoc.com/cgi-bin/clink/main.cgi

Full text of the American with Disabilities Act
<http://courtofappeals.mijud.net/court/adapolicy.htm>